



Entered on Docket  
September 21, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Order Sustaining Tenth Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based In Part Upon Investment In  
The Fox Hills 216, LLC Loan; Except for  
Proof of Claim of Ovca Associates; and  
Notice of Status Hearing re Ovca  
Associates Proof of Claim**

Hearing Date: August 30, 2011  
Hearing Time: 10:30 a.m.

The Court having considered the "Tenth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Fox Hills 216, LLC, Loan," ("Fox Hills Loan") [DE 8621] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; a response having been filed by Ovca Associates [DE 8937]; no other responses to the

1 Objection having been filed; the Court noting on the record that the disallowance of the  
2 Claims listed on **Exhibit A** does not affect the direct lenders' right to repayment by the  
3 borrower or from the collateral securing the Fox Hills Loan; and good cause appearing:

4 **IT IS ORDERED** that:

5 1. The Objection [DE 8621], except for the Ovca Associates proof of claim, is  
6 sustained; and

7 2. The claims listed on **Exhibit A** attached, except for the Ovca Associates  
8 proof of claim No. 10725-01574, are disallowed to the extent those claims are based upon  
9 an investment in the Fox Hills Loan.

10 3. The Ovca Associates proof of claim No. 10725-01574 is set for a status  
11 hearing on September 30, 2011 at 9:30 a.m.

12 4. If Ovca Associates fails to appear, it will be presumed that the response has  
13 been withdrawn.

14  
15 PREPARED AND RESPECTFULLY SUBMITTED BY:

16 **LEWIS AND ROCA LLP**

17  
18 By /s/ John Hinderaker (AZ #018024)

19 Robert M. Charles, Jr.

20 John Hinderaker (*pro hac vice*)

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26

## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

- \_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).
- \_\_\_\_\_ No party appeared at the hearing or filed an objection to the motion.
- XXX I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:
- \_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: <u>Ovca Associates, Inc.</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input checked="" type="checkbox"/> failed to respond to the document

s/ William J. Ovca, Jr., - -----  
 William J. Ovca, Jr.,  
 Trustee of the Ovca Associates, Inc., Defined Pension Plan  
 410 Upper Lake Road  
 Lake Sherwood, CA 91361  
 E-mail: NIGL@aol.com

Submitted by:  
 LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
 Attorneys for USACM Liquidating Trust

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**USACM Trust  
Fox Hills 216, LLC  
Multiple Loan Claims**

<b>Claim</b>	<b>Date Claim was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Foxhill 216, LLC Loan</b>
10725-02082	1/11/2007	Oster, Paul	Po Box 2618 Mammoth Lakes, CA 93546	308,164.00	50,741.00
10725-01574	12/7/2006	Ovea Associates Inc Defined Pension Plan	C/O William J Ovea Jr Trustee 410 Upper Lake Road Lake Sherwood, CA 91361	275,000.00	50,000.00
10725-01651	12/11/2006	Phillips Family Trust Dtd 10/24/89	Steve And Or Frances Phillips Trustees 2275 Schooner Circle Reno, NV 89519	25,061.00	12,500.00
10725-01430	12/6/2006	Prakelt, Hans J	2401-A Waterman Blvd., Ste. 4-230 Fairfield, CA 94534	180,761.33	59,211.97
10725-01878	1/8/2007	Raggi, Dennis	Po Box 10475 Zephyr Cove, NV 89448	10,451.54	Unknown
10725-02226	1/12/2007	Raggi, Dennis	Po Box 10475 Zephyr Cove, NV 89448	4,884,068.70	50,000.00
10725-01910	1/10/2007	Rebecca A Rogers Trust Dtd 9/18/96	Rebecca A Rogers Trustee 2309 Sierra Heights Dr Las Vegas, NV 89134	548,885.18	50,000.00
10725-02283	1/12/2007	Reno Aeronautical Corp Defined Benefit Plan	Janet L Chubb, Atty. At Law Armstrong Teasdale LLP 50 W. Liberty, Suite 950 Reno, NV 89501	456,722.24	101,527.78
10725-02496	6/4/2007	Richard N Krupp	101 State Pl Ste I Escondido, CA 92029-1365	250,167.22	250,000.00
10725-01666	12/9/2006	Robert A. And Tina M. Kehl	Janet L Chubb, Atty. At Law Armstrong Teasdale LLP 50 W. Liberty, Suite 950 Reno, NV 89501	1,896,046.24	300,000.00

**EXHIBIT A**

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